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City of Willoughby Hills

Council
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DANIEL KNECHT
TANYA TAYLOR DRAPER
DANIEL S. ZEGARAC

ORDINANCE NO. 2020-45

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN ANY AND ALL DOCUMENTS TO ACCEPT THE GARFIELD LEASE TERMINATION AGREEMENT PROVIDED BY THE BOARD OF EDUCATION OF THE WILLOUGHBY-EASTLAKE CITY SCHOOL DISTRICT, RESCINDING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, the Willoughby-Eastlake City School District ("Landlord") has presented the City of Willoughby Hills ("Tenant") with a Lease Termination Agreement (**EXHIBIT 1**) to facilitate the termination of the lease of the Garfield School property, located at 2705 River Road in Willoughby Hills, Ohio; and

WHEREAS, Landlord and Tenant were parties to a Lease Agreement dated December 1, 2009, pursuant to which Landlord leased to Tenant and Tenant leased from Landlord the property identified as Parcel#31A009H000060 (the previously occupied lot for the Garfield Elementary School, 2705 River Road, Willoughby Hills, Ohio) (the "Premises"), which are more particularly described in the applicable Lease Agreements; and

WHEREAS, following the expiration of the ten-year initial Lease Agreement, the Landlord and Tenant entered into a new lease agreement on or about November 11, 2019, as approved by the Landlord on or about December 19, 2019, to effectively renew the original Lease Agreement concerning the Premises (referred to herein as the "Lease"); and

WHEREAS, the term of the Lease expires on November 30, 2029 (the "Scheduled Expiration Date"); however, the Lease Termination Agreement dated August 10, 2020, from the Landlord, serves to terminate the Lease and all rights and obligations of Landlord and Tenant thereunder as of 11:59 p.m. on November 30, 2020 (the "Termination Date"); and

WHEREAS, the terms of the Lease Termination Agreement include a provision that the Tenant pay the Landlord a lease termination fee in the amount of one dollar (\$1.00) on or before the Termination Date, with no other payment or reimbursement obligations under the Lease or the Lease Termination Agreement for periods arising after the Termination Date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby directed to accept and execute the Lease Termination Agreement presented by the Board of Education of the Willoughby-Eastlake School District presented on August 10, 2020, pursuant to the terms and conditions identified and outlined in said agreement attached hereto as "**EXHIBIT 1**," consisting of three (3) pages and incorporated herein by reference.

SECTION 2. The City of Willoughby Hills has enjoyed a good relationship with the Willoughby-Eastlake Schools during the tenure of the Lease Agreement, being able to provide recreational activities to our community, providing the required service and maintenance needs during this time, in compliance with the provisions of the Lease Agreement, Section 5 "Use" to "use and occupy the Property in a careful, safe and proper manner."


SECTION 3. The City of Willoughby Hills wishes to continue to be a good neighbor with the Willoughby-Eastlake City School District by accepting its notice to terminate the Lease Agreement in order to allow for the sale of the property for the benefit of Willoughby-Eastlake public school purposes.

SECTION 4. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 5. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 6. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for immediate execution of the property Lease Agreement, enabling the Willoughby-Eastlake City School District to sell the property for the benefit of the Willoughby-Eastlake public school purposes; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: September 10, 2020



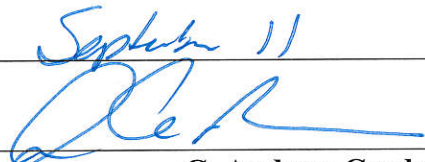
Christopher Hallum
President of Council

Submitted to the Mayor for his approval
on this 11th day of September, 2020

Approved by the Mayor
September 11, 2020

ATTEST:


Joanne Monaco
Clerk of Council



G. Andrew Gardner
Mayor